

REMARKS

Applicants respectfully request entry of amendments to the claims in preparation for appeal and further for reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2-9, 11-15, 23, 24, 28, 29, and 57-60 are currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, Claims 1-41 and 57-64 are now pending in this application.

The Examiner issued an Office Action on August 17, 2004. The Office Action rejected Claims 1-9, 11-15, 19-27, 32-35, 39-41, and 57-64. The Examiner also objected to Claims 11, 23-26, 28, and 29. The Examiner allowed 10, 16-18, 30, 31, and 36-38.

The Applicants have corrected Claims 23-26 to depend from Claim 21. Claims 2-9, 11, 12-15, 19, 20, 23-26, and 57-60 have been amended to correct antecedent basis.

Claims 4, 24 and 29 have been rewritten to include all of the limitations of the respective base claim and the respective intervening claims. Claim 28 has been rewritten to include the limitation of Claim 27 and to depend directly from base Claim 24. Claim 11 has been rewritten to address antecedent basis issues. Thus, in accordance with the Office Action, Claims 4-6, 8, 9, 11, 24-26, 28, and 29 are now in a condition for allowance

Applicants are submitting the present amendment to place the claims in order for an appeal regarding the positions taken by the Examiner in interpreting the prior art and Applicants' claims. For example, the Examiner has stated that Staley teaches "substantially spherical smooth and rounded particles." To support this position, the Examiner relies on Staley's disclosure of only one dimension for its particles, which the Examiner has interpreted as indicating that the particles must be spherical. The Examiner further states, without any support or elaboration, that the particles of Staley are inherently

smooth and rounded. It also appears that in view of the rejection the Examiner continues to assert that any particle meets the definition of "smooth, rounded". As Applicants previously highlighted, a related patent application was reviewed by the Board of Patent Appeals and Interferences from Patent Interference No. 103,570 dated June 26, 2001. The Board emphasized the Applicants' own definitions as being appropriate and not generically referring to any ceramic particle. In fact, the Board had before it materials described using one dimension, which the Board found to not be smooth, rounded, substantially spherical particles contrary to what the Examiner's reasoning would conclude.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. However, the Applicants intend to submit a timely Notice of Appeal in this matter with regard to this and other issues and continues to view the rejections as erroneous. Therefore, in view of the claim amendments meeting all of the requirements of the Examiner, Applicants respectfully request entry of the claim amendments for appeal or entry and allowance of the amended claim set.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

Respectfully submitted,

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